

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Madeline Caldwell For Y.B.K., a Minor, ) C.A. #3:06-0943-PMD  
)  
Plaintiff, )  
)  
vs. ) **ORDER**  
Commissioner of Social Security, )  
)  
Defendant. )  
)

This social security case is before the Court upon the magistrate judge's recommendation that the decision of the Commissioner of the Social Security Administration be reversed with a remand of the cause to the Commissioner for an award of benefits. The record includes a report and recommendation of the United States Magistrate Judge made in accordance with this Court's Order of Reference and 28 U.S.C. § 636(b)(1)(B).

This Court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v. Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984). Defendant filed a Notice of Not Filing Objections to the magistrate judge's report on July 27, 2007.

A review of the record indicates that the magistrate judge's report accurately summarizes this

case and the applicable law. Accordingly, the magistrate judge's report is incorporated into this Order. For the reasons articulated by the magistrate judge, the decision of the Commissioner is hereby **reversed** and **remanded** for an award of benefits.

**AND IT IS SO ORDERED.**

  
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PATRICK MICHAEL DUFFY  
United States District Judge

Charleston, South Carolina

August 6, 2007